

TITLE 16. MEDICAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Medical Board of California (hereinafter referred to as "the Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the **Los Angeles Airport Hilton Hotel, 5711 West Century Boulevard, Los Angeles, California, at 9:00 a.m. on February 2, 2007.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than **5:00 p.m. on January 22, 2007,** or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 2018 of the Business and Professions Code, and to implement, interpret or make specific Sections 2111 and 2113 of said Code, the Board is considering changes to Division 13 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Adopt Section 1351.1.

Existing regulations do not authorize the board to charge an application or renewal fee for special program applicants. AB 2260 (Negrete McLeod, Chapter 565, Statutes of 2006) amended sections 2111 and 2113 of the Business and Professions Code, among others, and authorizes the board to charge those fees.

This proposal addresses the assessment of application and renewal fees for approval to participate as fellows and faculty in California accredited Medical schools. These fellowships and faculty positions are for unlicensed, foreign physicians who are not immediately qualified for California licensure, as authorized by B&P Code Sections 2111 and 2113.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: There may be a slight cost to California Medical Schools, as they file the application for fellowship or faculty participation on behalf of the physician. These fees, however, are generally paid by the student fellow or faculty members to the school, and therefore the impact will not be significant to the UC System. If the UC Medical School chooses not to charge the fellow or faculty, then they will be absorbing the cost of the fees.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination:

Currently, state law requires physicians-in-training, called “residents” to pay an application fee to the Board and become licensed after the statutory license exemption expires, and physician faculty must be licensed and pay licensing fees. This proposed regulation will require foreign, non-citizen physicians participating in postgraduate fellowships and faculty positions to pay an application fee for the sole purpose of processing their application. AB 2260 (Negrete McLeod, Chapter 565, Statutes of 2006) directs the Board to set a fee for processing the applications under Sections 2111 and 2113 of the Business & Professions Code.

Impact on Jobs/New Businesses:

The Medical Board of California has determined that this regulatory proposal will not have any significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

There will be, in compliance with the new law, a slight cost impact that a representative private person or business would incur in reasonable compliance with the proposed action. Private Medical Schools will pay a fee to the Board to process applications for participation in unlicensed fellowships and faculty positions, however, the minimal cost is generally charged to the individual participant by the school. Therefore, there is no cost to the medical school, unless they choose not to charge the participant (the physician faculty member or fellow).

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. The proposed regulation only relates to the eight accredited medical schools in California, five of which are part of the U.C. System, and the remaining three are a part of non-profit organizations, not small businesses.

CONSIDERATION OF ALTERNATIVES

The Medical Board of California must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Medical Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based. Copies of the initial statement of reasons and all of the information upon which the proposal is based may be obtained from the person

designated in the Notice under Contact Person or by accessing the Board's website: www.mbc.ca.gov.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in this Notice under Contact Person or by accessing the Board's website: www.mbc.ca.gov.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below, or by accessing the Board's website: www.mbc.ca.gov.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

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The backup contact person is:

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Website Access : Materials regarding this proposal can be found at
www.mbc.ca.gov.